

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Prospect Communications, Inc.,

Plaintiff,

v.

Civil No. 13-2557 (JNE/FLN)
ORDER

Tyrone R. Herman, d/b/a Executive Marketing
Group,

Defendant.

This matter is before the Court on a Report and Recommendation issued by the Honorable Franklin L. Noel, United States Magistrate Judge, on October 29, 2013 regarding Plaintiff's motion for a preliminary attachment order, [Docket No. 7]. Federal Rule of Civil Procedure 64 grants this Court authority to order seizure of property to secure the satisfaction of a potential judgment, if such a remedy is available under Minnesota law. *See* Fed. R. Civ. P. 64; *Corporate Comm'n of the Mille Lacs Band of Ojibwe Indians v. Money Ctrs. of Am., Inc.*, 915 F. Supp. 2d 1059, 1061 (D. Minn. 2013). The Magistrate Judge evaluated Plaintiff's request in light of the provision for prejudgment attachments under section 570.025 of the Minnesota Statutes and recommended that Plaintiff's motion be denied. No objections have been filed. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(a). Based on that review, the Court adopts the Report and Recommendation [Docket No. 36]. Therefore, IT IS ORDERED THAT:

1. Plaintiff's motion for a preliminary attachment order [Docket No. 7] is DENIED.

Dated: December 3, 2013

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge